

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JULY 2, 2007 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, July 2, 2007 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Mayor Lois H. Humphreys
Mr. Robert M. Howard, Vice Mayor
Dr. French H. Moore, Jr.
Mr. Edward B. Morgan
Mrs. Cathy Lowe

Comprising a quorum of the Council

Administrative Staff:

Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Mark Godbey, Town Treasurer/Dir. Of Finance
Tony Sullivan, Chief of Police
Garrett Jackson, Director of Planning
Myra Cook, Director of Tourism
John Dew, Director of Public Services/Construction
Jim Smith, Director of Wastewater Operations/Town
Engineer
John Powers, Code Enforcement Officer
Tenille Montgomery, Intern for Tourism and Planning Depts

Visitors:

Tim Carter, Rebecca Newton, Roy Davis, L.B. Atkins, Jason
Berry, Tim Miller, Carolyn Lee, Kelly Crosswhite, Marva
Wheeler, Lillian Wheeler, George Rubesha, Cathy Tate,
Ashley Tate

B. PLEDGE OF ALLEGIANCE –

The Pledge was led by Chief of Police, Tony Sullivan.

At this time, Mayor Humphreys recognized Tenille Montgomery, who is interning with the Planning and Tourism Departments.

C. APPROVAL OF MINUTES

- June 4, 2007 Work Session
- June 4, 2007 Regular Meeting
- June 5, 2007 Joint Meeting with Washington County Board of Supervisors

- June 12, 2007 Special Called Meeting
- June 20, 2007 Joint Meeting with Planning Commission

On Motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the minutes of the June 4, 2007 Work Session, the June 4, 2007 Regular Meeting, the June 5, 2007 Joint Meeting with Washington County Board of Supervisors, the June 12, 2007 Special Called Meeting, and the June 20, 2007 Meeting with the Planning Commission as presented.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

~~~~~

#### **D. PETITIONS AND PUBLIC HEARINGS – NONE**

~~~~~

E. CONSIDERATION OF ANY BIDS

1. Consideration of bids for brush truck and trash truck for Department of Public Works – John Dew, Director of Public Services/Construction

Mr. Dew presented the Council with his recommendations for the purchases of a Fully Automated Solid Waste Truck and a 20 CY Trash/Brush Loader Crane Truck. He recommended the Council authorize the purchase of the Condor/McNeilus fully automated solid waste truck for a purchase price of \$184,010.00 in a bid submitted by Smoky Mountain Truck Center. In addition, he recommended the Council authorize the purchase of a Freightliner Truck and Pac Mac Loader for a purchase price of \$102,469.00 in a bid submitted by Mid-State Equipment Company, Inc. Mr. Dew noted that the recommended bids were within the budgeted amounts designated for these purchases.

On Motion of Dr. Moore, seconded by Mr. Howard, the Council authorized the purchase of a Condor/McNeilus fully automated solid waste truck for a purchase price of \$184,010.00 in a bid submitted by Smoky Mountain Truck Center and further authorized the purchase of a Freightliner Truck and Pac Mac Loader for a purchase price of \$102,469.00 in a bid submitted by Mid-State Equipment Co., Inc.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye

Mr. Howard Aye
Mayor Humphreys Aye

The motion carried.

~~~~~

#### **F. REPORTS FROM THE TOWN MANAGER**

1. Resolution recognizing Ashley Blaine Tate for the Alexander Hamilton Citizenship Achievement Award – Mayor Humphreys.

Mayor Humphreys recognized Abingdon High School student Ashley Blaine Tate with the following resolution:

#### **RESOLUTION**

**WHEREAS**, Ashley Blaine Tate, a resident of the Town of Abingdon, Virginia and an Abingdon High School student has demonstrated an extraordinary display of community service; and

**WHEREAS**, as a result of several hundreds of hours spent each year over the past several years, Ashley Blaine Tate has achieved the following major accomplishments:

- Raised more than \$120,000.00 for charities such as the Cystic Fibrosis Foundation, the American Cancer Society, the American Heart Association and the March of Dimes by volunteering eight hundred (800) hours of her time during the past year to raise this money dollar for dollar.
- Organized an entire girl's softball tournament which takes place each summer for the past seven (7) years for the Cystic Fibrosis Foundation which requires four hundred (400) hours of her personal involvement to make this tournament work out each year.
- Was named the 2007 American Heart Association "Queen of Hearts" after organizing and managing several community fundraising events which enabled her to raise \$30,000.00 within a two (2) month period.
- Was named WTFM Hometown Hero
- Was selected for "Whose Who" among American high school students
- Was selected for Washington County Community Scholars
- Was selected to the All District Band
- Was the recipient of the Virginia Attorney General/Troutman Sanders "Youth Award"; and

**WHEREAS**, the said Ashley Blaine Tate has further completed all the requirements to receive the Congressional Award Gold Medal and was selected to represent the Tri-City area as a student ambassador with the People to People International Student Ambassador Program; and

**WHEREAS**, her most recent accomplishment was being named the recipient of the 2007 Alexander Hamilton Citizenship Achievement Award; and

**WHEREAS**, the Council for the Town of Abingdon deems the achievements of Ashley Blaine Tate at such a young age to be quite extraordinary and well worth praise and recognition by the entire Town of Abingdon;

**NOW THEREFORE BE IT RESOLVED** that the Council for the Town of Abingdon does hereby applaud and commend Ashley Blaine Tate for all of the above noted extraordinary accomplishments for an Abingdon High School student to have achieved this early in life.

Dated this 2nd day of July, 2007

~~~~~

2. Consideration of request to enact a No Loitering Ordinance – Roy Davis and Steve Weston

Mr. Roy Davis, Vice President of Frizzell Construction, owners of Wolfe Hills Shopping Center, appeared before the Council members to request their consideration of the enactment of a No Loitering Ordinance. Mr. Davis said the shopping center was experiencing problems with high school students coming down to the shopping center parking lot during lunch exhibiting rowdy and unruly behavior and intimidating shoppers at the center. Mr. Davis said the enactment of the No Loitering Ordinance would allow the Center employees to call the Police to come and write these students a ticket for Loitering, with the hopes it would deter this unwanted behavior. Mr. Morgan commented on receiving a letter from Steve Weston, of the Abingdon Cinemall, who was unable to attend the meeting, and questioned Mr. Davis about the students leaving the high school during school hours. Chief Sullivan joined Mr. Davis before the Council members and added that enactment of a No Loitering Ordinance would be charging the students under a local ordinance which is not the preferred method of dealing with this issue. Chief Sullivan suggested that the playing of classical music might be a deterrent for keeping the kids off the property. Greg Kelly, Town Manager informed the Council that a Trespass charge is a State charge that does not require a locality to enact unlike a loitering ordinance which is left up to the locality to enact, enforce and prosecute. Discussion ensued among the Council members, Mr. Davis and Chief Sullivan and the consensus among the Council members was for Mr. Davis to meet with Chief Sullivan to develop better alternatives for dealing with the issues raised.

No action was taken by the Council on this matter.

~~~~~

**3. Consideration of establishment of an Oversight Committee to identify uses of Dunn's Meadow property – Greg Kelly, Town Manager.**

Greg Kelly, Town Manager, asked that the Council to consider enacting an Oversight Committee to identify the uses of the recently acquired Dunn's Meadow property as well as developing a Master Plan for the property. Mr. Kelly pointed out that Garrett Jackson, Director of Planning, had recommended a setup for this committee as follows:

Committee Terms Limits

Three (3) for three (3) year terms

Three (3) for two (2) year terms  
One (1) for a one (1) year term

Committee Appointments

One (1) appointment from each of the following organizations:

- National Park Service
- Overmountain Victory Trail Association
- Daughters of the American Revolution
- Sons of the American Revolution
- Historical Society of Washington County
- Town-at-Large
- Town Council

**On motion of Mr. Morgan, second by Mrs. Lowe, the Council approved the committee setup as recommended by Mr. Jackson and further asked that each organization submit a name for recommendation for appointment to this committee for Council's consideration at the next regularly scheduled meeting.**

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Dr. Moore</b>       | <b>Aye</b> |
| <b>Mr. Howard</b>      | <b>Aye</b> |
| <b>Mayor Humphreys</b> | <b>Aye</b> |

**The motion carried.**

~~~~~

G. PASSAGE OF RESOLUTIONS – NONE

H. FIRST READING OF ORDINANCES - NONE

I. SECOND READING OF ORDINANCES

1. Proposed Amendment – Application to amend and reenact Article 8, Section 8-2B of the Town of Abingdon Zoning Ordinance to allow museums as a special use permit in all subdistricts of the OH District.

On motion of Mr. Morgan, second by Mrs. Lowe, the application to amend and reenact Article 8, Section 8-2B of the Town of Abingdon Zoning Ordinance to allow museums with a special use permit in all subdistricts of the OH District was approved on second reading.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

Appointments –

- Board of Zoning Appeals (1)
 - Appointment to fill unexpired term of **Mr. Fred St. John**
Term Expires on 4/30/09

By consensus, the Council members asked that this appointment be postponed to the August Council meeting.

- Industrial Development Authority appointments(2)
 - **Gene Matthis**' term expires on 7/7/07 – He is **not** eligible to serve another term –
Requires one (1) appointment to serve a four (4) year term to expire on 7/7/11

By consensus, the Council members asked that this appointment be postponed to the August Council meeting.

- **Robert C. McDonald**'s term expires on 7/7/07 – He is eligible to serve a second term to expire on 7/7/11

On motion of Dr. Moore, second by Mr. Howard, **Robert C. McDonald was appointed to a second four (4) year term on the Industrial Development Authority to expire on July 7, 2011.**

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye

Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

- Board of Architectural Review
 - Appointment to fill unexpired term of **Harry L. McKinney, Jr.**
Term expires on 3/31/2010

On motion of Mrs. Lowe, second by Mr. Morgan, Peyton Boyd was appointed to fill the unexpired term of Harry L. McKinney, Jr. on the Board of Architectural Review which term expires on March 31, 2010.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

- District Three Governmental Cooperative (1)
 - Appointment to Board of Commissioners – Council Member, **Ed Morgan is** eligible for re-appointment. It is a one (1) year term commencing July 1, 2007 and ending June 30, 2008.

On motion of Dr. Moore, second by Mrs. Lowe, Ed Morgan was reappointed to a second one (1) year term on the District Three Governmental Cooperative Board of Commissioners which term expires on June 30, 2008 and further approved Bob Howard as the alternate appointee if Mr. Morgan is unable to attend.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

~~~~~

#### **K. OLD BUSINESS**

Report from Housing Authority regarding complaints voiced by Rebecca Newton at June 4, 2007 regular meeting.

Rebecca Newton appeared before the Council members and explained that she did meet with the Housing Authority and the Board members came to view the property in question. She indicated that Mr. Cater was to have the land surveyed and that had been done. According to Ms. Newton it appears that the owner of the property in question is not known but that they did determine that it is not owned by Ms. Newton nor by the Housing Authority.

Tim Carter, Director of the Housing Authority, concurred with Ms. Newton's explanation of the question of ownership of the property stating that a portion of the lot was never shown correctly on the existing plat. Discussion ensued among Mr. Carter and the Council members. Mr. Carter said that he is going to expend funds from the Housing Authority to try and get this matter resolved and determine ownership.

Greg Kelly, Town Manager, said that if all parties are in agreement, the Town will have the property in question cleaned up and the costs will be assessed against whomever is determined to be the actual owner of the property.

#### **L. MATTERS NOT ON THE AGENDA**

Mr. Kelly addressed the Council members to present the Town's first public newsletter named the Black's Fort Newsletter. He explained that the Newsletter will be accessible on the Town's website and it would appear on a quarterly basis. Mr. Kelly recognized Tenille Montgomery, Garrett Jackson, Myra Cook, and John Powers for their work on the development of the newsletter.

Mr. Morgan announced that the Council members will meet on Thursday, July 5<sup>th</sup> at 8:30 a.m. to view potential sites for the joint Town/County Sports complex.

Dr. Moore introduced special guest, Tim Miller, from Melbourne, Florida whose company, Northrop Grumman, will be locating in Russell County, Virginia.

Mr. Kelly informed the Council that the Comprehensive Plan open house will be held on July 11<sup>th</sup> from 4:00 to 7:00 p.m. in the downstairs meeting room of the Municipal Building.

Mayor Humphreys announced that the Coomes Center Fitness Trail will have a ribbon cutting ceremony on Friday, July 13<sup>th</sup> and that a building dedication for District 3 in Marion will take place on July 17<sup>th</sup>. Further, Meadowview First, on the 21<sup>st</sup>, will hold a ceremony to dedicate a community center and that on July 12<sup>th</sup> Main Street will hold a reception at the Martha Washington Inn.

2007 – 105  
July 2, 2007

With no further business before the Council, the meeting was adjourned.

---

Lois H. Humphreys, Mayor

---

Cecile M. Rosenbaum, Clerk